SINGLE BENCH

(2) (4) CF 5001

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 1000/2007

PETITIONERS

1. Kejuram,
S/o Sukal Sahu,
Aged about 60 years,
R/o. Village Patewa,
P.O. Patewa,
Nawapara, Rajim,
District Raipur (C.G.).

2. Doojram,
S/o. Samaruram,
Aged about 48 years,
R/o. Village Tokro,
P.O. Manikchouri,
Tehsil Raipur,
District Raipur(C.G.).

3. Kashiram,
S/o. Manrakhan,
Aged about 50 years,
R/o. Village Tokro,
P.O. Manikchouri,
Tehsil Raipur,
District Raipur(C.G.)

4. Bhulaou Ram Sahu,
S/o. Dhansay,
Aged about 56 years,
R/o. Village Tokro,
P.O. Manikchouri,
Tahsil Raipur,
District Raipur (C.G.)

5. Dwarka,
S/o. Surajbhan,
Aged about 48 years,
R/o. Village Tokro,
P.O. Manikchouri,
Tehsil Raipur, District
Raipur (C.G.)

P.R. No. 13/4/07
Processed 13/2/07
dated

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13/2/07
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OATH COMMISSIONER
APARNA
MALVIYA
CG 20
Bilaspur Chhattisgarh

VERSUS

RESPONDENTS

1. State of Chhattisgarh,
Through the Secretary,
Public Works Department,
Mantralaya, D.K.S.
Bhawan, Raipur (C.G.)

(3) (3)

2. Engineer-in-Chief,
Public Works Department,
Raipur (C.G)

3. Executive Engineer,
Public Works Department,
Raipur (C.G)

4. Sub-Divisional Officer,
Public Works Department,
Sub-Division No. 3,
Raipur (C.G)

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF CERTIORARI, MANDAMUS, PROHIBITION AND FOR OTHER SUITABLE WRIT OR WRITS, ORDER OR ORDERS, DIRECTION OR DIRECTIONS ETC.

(40)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1000 of 2007

Petitioners : Kejuram and others

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Present: Smt. Fouzia Mirza, Advocate for the petitioners.
Ms. Sunita Jain, Panel Lawyer for the State/respondents.

O R D E R

(Passed on this 21st Day of February, 2007)

1. By this petition, learned counsel appearing for the petitioners submits that the petitioners were employed in the year 1978 in the Public Works Department and the petitioners, who have worked for more than 27 years as Gangman, seeks the relief that the petitioners being permanent gangman be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule (for short 'F.R.')56.

2. According to learned counsel for the petitioners, the petitioners attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. After having attained the status of the permanent employee the

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petitioners would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioners would submits that the case of the petitioners are squarely covered by the decision of this Court passed on 4th January, 2007 in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters.

4. Learned counsel appearing for the respondents/State does not dispute the submissions made by learned counsel for the petitioners.

5. The respondents are at liberty to consider the facts of the case asto whether the petitioners have completed 15 years of service as gangman. In the event, it is found that they have completed 15 years of service, the case shall be governed by the decision of this Court in Govind Vs. State of Chhattisgarh and others (supra).

6. Accordingly, the petitioners, who is permanent gangman, are entitled to retire on attaining the age of 62 years in accordance with the Act, 1967. The petition is accordingly allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Yogesh